

**ORDINANCE 2 OF 1988  
AS AMENDED BY:  
ORD.NO. 17 OF 1990  
ORD. NO. 22 OF 1994  
ORD.NO. 15 OF 1997  
ORD. NO 10 OF 2003  
ORD. NO 2 of 2012  
ORD. NO 8 of 2014**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING  
ORDINANCE AND ZONING MAP TO ESTABLISH THE **MEADOWBROOKE  
BUSINESS PARK PLANNED UNIT DEVELOPMENT PROJECT****

CASCADE CHARTER TOWNSHIP ORDAINS:

SECTION I. AN AMENDMENT TO THE CASCADE CHARTER TOWNSHIP  
ZONING ORDINANCE. That the application received from Meadowbrooke Associates  
or its assigns (hereinafter referred to as the “Developer”) for Planned Unit Development  
designation for their proposed Meadowbrooke Business Park (hereinafter referred to as  
the “Premises”) was recommended by the Cascade Township Planning Commission for  
approval on November 16, 1987. The Premises is recommended for rezoning from its  
former zoning classification thereby requiring this amendment to the Cascade Charter  
Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s  
recommendation and the Cascade Township Board action on February 8, 1988.

SECTION II. LEGAL DESCRIPTION. (as amended by Ord No 22 of 1994; 10/26/94)  
(amended by Ord. No. 10 of 2003; 6/25/03)

The Legal Description of the Premises is as follows:

The North one-half of the Northwest one-quarter of fractional Section 31, Town 6 North,  
Range 10 West, except the North 50.0 feet and except the West 50.0 feet thereof for  
highway purposes as recorded in Liber 1943 at Page 1351 of Deeds, Cascade township,  
Kent County, Michigan.

The Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the South  $\frac{1}{2}$  of the Northwest fractional  $\frac{1}{4}$  of  
Section 31, Town 6 North, Range 10 West, except the West 50 feet thereof deeded to the  
County of Kent for highway purposes, Cascade Township, Kent County, Michigan.

That part of the S  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , Lying East of Broadmoor Drive, also the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , all  
in Section 31, T6N, R10W, Cascade Township, Kent County, Michigan, except the  
south 270 feet of the East 265.0 feet thereof.

The Northwest  $\frac{1}{4}$ , of the Southeast  $\frac{1}{4}$ , also the North  $\frac{1}{2}$ , of the Southwest fractional  $\frac{1}{4}$   
except that part of the South 98.0 feet of the West 675.0 feet of said North  $\frac{1}{2}$ ,. of the  
southwest fractional  $\frac{1}{4}$ , Lying Easterly of the centerline of Broadmoor Avenue, Section

31, T6N, R10W, Cascade Township, Kent County, Michigan, except the West 50 feet North of Broadmoor Drive for Road purposes.

The east ½ of the Southeast ¼ of Section 31, T6N, R10W, Cascade Township, Kent County, Michigan excepting therefrom the following described parcels: The East 400.0 feet of the North 800.0 feet thereof; Also the East 400.0 feet of the South 544.5 feet of the North 1553.0 feet thereof; Also the East 450.42 feet of the South 450.42 feet thereof; Also a parcel described as commencing at the Southeast corner of said Section; Thence N 0 degrees 08'05"E 450.42 feet along the East line of said Section to the place of beginning; Thence N 90 degrees 00'W 400.0 feet parallel with the South line of said Section; Thence N 0 degrees 08'05" E 645.52 feet parallel with the East line of said Section to the South line of the North 1553.0 feet of the SE ¼ of said Section; Thence N 89 degrees 43'12" E 400.0 feet to the East line of said Section; Thence S 0 degrees 08'05" W 647.52 feet along the East line of said Section to the place of beginning. Also a parcel described as beginning on the South line of Section 31, 650.0 feet N 90 degrees 00'W from the Southeast corner thereof, said point being the intersection of the centerline of an existing county drain and said South section line; Thence N 90 degrees 00'W 674.50 feet to the Southwest corner of said Southeast ¼ of Southeast ¼; Thence N 00 degrees 05'E along the West line thereof 548.3 feet to the centerline of said county drain; Thence South and Easterly along said centerline to the place of beginning.

Part of the SE 1/4 of Section 31, T6N, R10W, Cascade Township, Kent County, Michigan described as follows: Commencing at the Southeast corner of said Section; Thence N 0 degrees 08' 05" E 662.34 feet along the East line of said Section to the place of beginning of this description; Thence S 89 degrees 43' 12" W 400.0 feet; Thence N 0 degrees 08' 05" E 435.6 feet parallel with the East line of said Section; Thence N 89 degrees 43' 12" E 400.0 feet to the East line of said Section; Thence S 0 degrees 08' 05" W 435.6 feet along said East line to the place of beginning of this description.

That part of the East ½ of the Northeast ¼, Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Commencing on the East line of the Northeast ¼, at a point which is South 0 degrees 00' East 1423.45 feet from the Northeast corner of said Section 31; thence South 0 degrees 00' East 488.42 feet to a point which is North 0 degrees 00' West 741.35 feet from the Southeast corner of said Northeast ¼; thence South 0 degrees 00' West 396.0 feet; thence South 0 degrees 00' East 373.77 feet to the North line of the South 370 feet of said Northeast ¼, thence North 89 degrees 39' East 396.0 feet along said North line to the East line of said Section 31; thence South 00 degrees 00' East 100.0 feet; thence South 89 degrees 39' West 323.0 feet; thence South 0 degrees 00' East 270.0 feet to the South line of said Northeast ¼; thence South 89 degrees 39' West 1002.47 feet to the Southwest corner of the East ½, of the Northeast ¼, of said Section 31; thence North 0 degrees 00' East along the West line of the East 1/2, of said Northeast ¼, to the North line of said Northeast ¼; thence East along the North line of said Northeast ¼, to a point which is 405.5 feet West from the Northeast corner of said Northeast ¼; thence South 0 degrees 00' East 214.17 feet to a point which is South 0 degrees 00' East 217.0- feet and South 89 degrees 55' West 405.5 feet from the Northeast corner of said Northeast ¼; thence North 89 degrees 55' East 9.2

feet, thence South 0 degrees 00' East 1205.87 feet thence North 90 degrees 00' East 396.0 feet to the place of beginning, except liens and conveyances affecting easement granted in Liber 89 of Miscellaneous Records, Page 383. Subject to a right of way for 52<sup>nd</sup> Street over the North 33.0 feet thereof; also subject to a right of way for Kraft Avenue over the East 33 feet of the Northeast 1/4, of said Section 31.

Part of the Northeast 1/4 of Section 31, Town 6 North, Range 10 West; described as: Commencing at the Northeast corner of Section 31, thence south along the East line of said Section 773.45 feet to the place of beginning of this description; thence West perpendicular to the said East line 233.0 feet; thence south parallel with the said East line 100.0 feet; thence East 233.0 feet; thence North along said East line 100.0 feet to the place of beginning, except the East 33.0 feet for highway purposes, Cascade Township, Kent County, Michigan.

That part of the East 1/2 of the Northeast 1/4 of Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan is described as: commencing on the East line of said Northeast 1/4, 873.45 feet South of the Northeast corner of said Northeast 1/4; thence Westerly 233.0 feet perpendicular to the said East line; thence Northerly 100.0 feet parallel with said East line; thence Westerly 163.0 feet perpendicular to said East line; thence Southerly 430.0 feet parallel with said East line; thence Easterly 326.0 feet perpendicular to said East line; thence Northerly 20.0 feet parallel with said East line; thence Easterly 70.0 feet to the East line of the Northeast 1/4 perpendicular to said East line; thence Northerly 310.0 feet along said East line to the place of beginning.

The south 98.0 feet of the West 675.0 feet of the North 1/2 of the southwest 1/4, Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, lying Easterly of Broadmoor Avenue.

ALL THAT CERTAIN tract of land with improvements thereon, known as the E 1/2, of the SE 1/4, Section 30, T6N, R10W, Cascade Township, Kent County, Michigan, except the North 481.96 feet thereof.

This parcel may be more particularly described as: That part of the SE 1/4, Section 30, T6N, R10W, described as BEGINNING at the Southeast corner of Section 30; thence S88 degrees 27' 24" W 1326.64 feet along the South line of Section 30; thence N 1 degree 19' 29" W 2171.77 feet along the West line of the E 1/2, of said SE 1/4; thence N 88 degrees 33' 50" E 1327.81 feet along the South line of the North 481.96 feet of said SE 1/4; thence S 1 degree 17' 37" E 2169.29 feet along the East line of Section 30 to the place of beginning.

That part of the Northeast 1/4 of Section 31, Town 6 North, Range 10 West, described as commencing on the Northeast corner of said Section; thence South 217.0 feet along the East line of said Section to the place of beginning of this description; thence South 89 degrees 55' West 396.0 feet; thence South parallel with said East line of Section 110 feet; thence North 89 degrees 55' East 396.0 feet to the East line of Section 31; thence North

110.0 feet along said line to the place of beginning, except the East 43 feet for highway purposes.

All that part of the East ½ of the NE ¼, of Section 31, T6N, R10W, Cascade township, Kent county, Michigan described as commencing at the Northeast corner of said NE ¼, thence S 0 degrees 00' E 327.0 feet along the East line of said section to the place of beginning for this description; thence continuing S 0 degrees 00' E 446.45 feet along said line; thence S 90 degrees 00' W 396.0 feet; thence N 0 degrees 00' W 445.87 feet to a point that is 327.0 feet South of the North line of said NE ¼; thence N 89 degrees 55' E 396.0 feet to the place of beginning, except the East 43 feet for highway purposes.

The south 270.0 feet of the East 323.0 feet of the East ½ of the Northeast ¼ of Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, except the Southerly 145 feet thereof.

The South 145.0 feet of the East 323.0 feet of the Northeast ¼ of Section 31, Town 6 North, Range 10 West, except the East 43.0 feet thereof for highway purposes.

That part of the SE ¼ of Section 36, T6N, R11 W, City of Kentwood, Kent County, Michigan described as commencing at the East ¼ corner of Section 36; thence S 0 degrees 11'31"E 41.04 feet along the East line of the section to the south right-of-way of relocated Patterson to the point of beginning; thence S 0 degrees 11'31" E 687.16 feet along said East line to a point on the Easterly right-of-way line of Broadmoor Avenue (S.T.L. M-37) thence N 28 degrees 51'11" W 499.80 feet along said Easterly right-of-way line, thence N 61 degrees 10'24" E 14.57 feet along the southerly right-of-way line to relocated Patterson; thence Northerly 337.09 feet along a 531.76 foot radius curve to the left, the long chord of which bears N 43 degrees 00'46" E 331.47 feet to the point of beginning. Subject to Easements and Building and Use Restrictions of record. Also subject to the terms, covenants, and conditions of a special assessment agreement as set forth in Liber 2377 of Deeds, Page 50, Kent County Records, which Grantee shall assume and perform.

The Legal Description of the Premises shall include the following parcels as amended by Ord. No. 10 of 2003

41-19-31-400-002

N 400 FT OF E 400 FT OF E 1/2 SE 1/4 \* SEC 31 T6N R10W 3.67 A.

41-19-31-400-003

S 400 FT OF N 800 FT OF E 400 FT OF E 1/2 SE 1/4 \* SEC 31 T6N R10W 3.67 A.

41-19-31-400-004

S 544.5 FT OF N 1553 FT OF E 400 FT OF SE 1/4 \* SEC 31 T6N R10W 5 A.

The Legal Description of the Premises shall include the following parcels as amended by Ord. No. 2 of 2012

PART OF E 1/2 SE 1/4 COM 1420.0 FT S 0D 59M 29M E ALONG E SEC LINE FROM E 1/4 COR TH S 88D 34M 34S W PAR WITH E&W 1/4 LINE 400.0 FT TO W LINE OF E 400.0 FT OF SE 1/4 TH S 0D 59M 29M E ALONG SD W LINE 133.0 FT TO S LINE OF N 1553.0 FT OF SE 1/4 TH N 88D 34M 34S E ALONG SD S LINE 400.0 FT TO E SEC LINE TH N 0D 59M 29M W 133.0 FT TO BEG \* SEC 31 T6N R10W 1.22 A.

SECTION III. GENERAL PROVISIONS. (as amended by Ord No 22 of 1994; 10/26/94)

The Subject Properties shall be governed by the PUD Ordinance provisions contained in Ordinance #2 of 1988 and Ordinance #17 of 1990, as well as those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

SECTION IV. APPROVAL LIMITATIONS. (as amended by Ord No 22 of 1994; 10/26/94)

A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade charter Township Zoning Ordinance shall be enforced.

B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.

D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.

E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.

F. Failure to comply with the site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.

SECTION V. PURPOSE AND INTENT. (amended by Ord. No. 10 of 2003; 6/25/03)

The Premises occupies a 544 acre tract of land that is proposed to be developed through phases over a period of several years as a complex, unified unit, rather than as an aggregation of individual uses on separate unrelated parcels. Due to its size, magnitude, mixture of land uses and the timing of development over a period of years, in which market conditions may change, special land use regulations are deemed necessary by Cascade Township to establish this Planned Unit Development (PUD) District.

The regulations contained herein are established to define the procedures necessary to insure high quality development on the Premises. Additionally, they are designed: to achieve integration of the development with adjacent land uses and the natural environment; to permit flexibility in the regulation of land development; to encourage variety in design, lay-out and type of structures constructed within the development; to achieve economy and efficiency in the use of land; to encourage the provision of useful open space; and to provide improved employment opportunities particularly suited to the needs of the residents of Cascade Township and West Michigan.

This Ordinance is further intended to permit flexibility in the regulation of land development by allowing the Developer to modify the concept and design of the proposed development as the market may dictate in the future over the course of the development of the Premises. The provisions of this Ordinance are not intended as a substitute for the Cascade Township Zoning Ordinance and General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as provided herein.

The northerly approximately 177 acres (Meadowbrooke Phase I) has been developed as platted lots as shown on Prein & Newhof drawing dated May 19, 2003. Further, approximately 13 acres of the Premises have been established as the Town Center Plat located adjacent to Broadmoor Avenue and M-37 as shown on the Prein & Newhof drawing dated May 19, 2003 ("Town Center"). The remainder of the Premises, generally located south of Meadowbrooke Phase I contains approximately 223 acres and is referred to herein as "Meadowbrooke Phase II). Simultaneously with adoption of this Amended Ordinance No. 10 of 2003, the 12.34 acre parcels more fully described in **Exhibit A**

attached hereto and incorporated herein have been rezoned Planned Unit Development under this Ordinance (of which the 7.34 acre parcel (Parcels A and B on Exhibit A), together with an adjacent 30.424 acres (exclusive of road right-of-way) constitute approximately 37.76 acres more fully described on **Exhibit B** attached hereto (“Development Parcel 1”).

SECTION VI. DEVELOPMENT APPROVAL PROCEDURE. (amended by Ord. No. 10 of 2003; 6/25/03)

It shall be unlawful for any person, firm or corporation to begin the construction of any building or other structure or to begin the alteration or moving of any building or structure within the Premises without receiving site plan review and approval from the Meadowbrooke Review Board and the township Planning Commission as provided in this Section.

**A. Composition of the Review Boards.** All new construction, alteration, or moving of buildings and structures shall be reviewed by (a) a five (5) member Review Board for Meadowbrooke Phase I and Development Parcel 1 (the “Meadowbrooke I Review Board”) or (b) a five (5) member Review Board for Meadowbrooke II (the “Meadowbrooke II Review Board”). For purpose of establishing the Review Boards, Meadowbrooke Associates or its assigns is the Developer for the Meadowbrooke I Review Board, and Meadowbrooke Associates or its assigns shall be the Developer for the Meadowbrook II Review Board. Meadowbrooke Business Park Associates Limited Partnership shall provide to the Township a copy of any assignment to a successor developer of Meadowbrooke Phase I or Meadowbrooke Phase II. Each Developer shall appoint three (3) members, with two (2) being officers of the Developer or their delegates and one (1) being a professional with a background in architecture, engineering, landscape architecture and/or urban planning. The two (2) remaining members shall be representatives of Cascade Township appointed by the Township Supervisor and approved by the Township Board. A simple majority of the membership of the Review Boards (hereinafter referred to individually as the “Board” and collectively as the “Boards”) shall constitute a quorum. An affirmative vote of the majority of the Board members present shall constitute approval, approval with modification, or rejection of a site plan.

**B. Responsibilities of the Review Board.** The Meadowbrooke I Board shall have all approval rights herein with respect to Meadowbrooke Phase I and Development Parcel 1 and the Meadowbrooke II Board shall have all approval rights for Meadowbrooke Phase II. The respective Board shall receive all site plans for all new construction, alteration, or moving of buildings and structures within the Premises. It shall have exclusive power to review all site plans for all development within the Meadowbrooke Phase I or Meadowbrooke Phase II as the case may be to insure compliance with Architectural Controls as prescribed in Section IX of this Ordinance. Additionally, the Board shall be empowered to review all site plans for compliance with the Design Standards as set forth in Section X of this Ordinance.

The Board's review and findings with regard to the Design Standards are subject to review before the Planning Commission. The Board can only grant preliminary approval of a site plan. The Planning Commission shall have the authority to grant final site plan approval, except in the case of the regional shopping center. No site plan can be forwarded to the Planning Commission without the express, written approval of the applicable Board.

Review and approval shall be based upon the following considerations:

1. Conformity and harmony of external design with the development and with neighboring structures.
2. Proper siting of buildings and lots as they relate to street frontage and neighboring uses.
3. Conformity of the plans and specifications with the development requirements as well as the purpose and intent of this PUD Ordinance.

The Review Board shall endeavor to review a submitted site plan within a reasonable time period after its submittal. The Board, however, retains the right to request additional information or modifications as it may deem necessary prior to approval or rejection of the plans and specifications. Once the Review Board has made its determination regarding a proposed site plan it shall transmit its findings and recommendations to the Planning Commission. The transmittal shall include the recommendation of the Board, its rationale and the minutes of all meetings in which the site plan was discussed before the Board.

C. Planning Commission Responsibilities – Following review and approval of a site plan by the Review Board, the Chairman of the Review Board or his authorized representative shall present it to the Planning Commission for final review and approval. Review and approval of the site plan by the Planning Commission shall be based upon the Design Standards set forth in this Ordinance (Section XA, page 12). The Planning Commission has the right to approve, approve with modifications, or deny site plan approval based upon its own findings of fact.

D. Limitation – Nothing herein shall require submission to or approval of the Review Board or Planning Commission for plans relating to normal maintenance or alterations to the interior of any structure. When such activities are contemplated, the Township Building Inspector shall be contacted as building permits may be required.

E. Appeals to the Zoning Board of Appeals – Nothing herein shall preclude an appeal to the Zoning Board of Appeals of any provision of this Ordinance.

## SECTION VII. SITE PLAN REQUIREMENTS.

In order to insure high quality development of the Premises and to achieve integration of a proposed development with the characteristics of the Meadowbrooke Business Park it is necessary for each proposed project to be reviewed within a two-step process. The first step requires a proposed project to be reviewed by the applicable Review Board for aesthetic, architectural, and design qualities. For this reason, the Board shall evaluate and review each proposed project to insure compliance with the Architectural Controls as setforth in Section IX of this Ordinance and the Design Standards setforth in Section X of this Ordinance. The board may also be empowered by the Developer to review each proposed project for compliance for any deed restrictions. The Board has final review power over the Architectural Controls and the deed restrictions (if empowered by the Developer). With regard to the Design Standards, the Board has only advisory powers in their review of proposed projects.

The second step requires a proposed project to be reviewed by the Township Planning Commission. The Planning Commission shall review a proposed project site plan only after it has received a positive recommendation from the Review Board. The Planning Commission shall review a proposed project for compliance with the Design Standards setforth in Section X.

In the case of a regional shopping center, as defined herein, the Planning Commission shall review the project for compliance with the Design Standards setforth in Section X. Due to the size and magnitude that a regional shopping center may encompass, the Planning Commission findings shall only be advisory in nature. The Planning Commission's recommendation shall be forwarded to the Township Board for review and approval using the standards setforth in Section X. The Township Board has the right to approve, approve with modifications, or deny site plan approval based upon its own findings of fact.

Any site plan approval for a regional shopping center will be conditioned upon an assessment of available services including police, fire, transportation and utilities. In the event an approval is denied as a result of the aforementioned conditions, the requirements for approval will be submitted to the developer in writing within 15 days of the date of denial.

Once a project has received approval of its site plan it may proceed to obtain the required building permits and approvals from the appropriate Township departments.

#### SECTION VIII. PERMITTED USES.

For land and buildings, the permitted uses for the Meadowbrooke Business Park PUD are as follows:

- A. Retail Uses;
- B. Corporate Offices;
- C. Regional Assembly and Distribution Centers;
- D. Research and Development Facilities;

- E. Light Manufacturing Facilities;
- F. Technology Centers;
- G. Corporate Aeroparks;
- H. Regional Shopping Center as defined by the Urban Land Institute publication Shopping Center Handbook;
- I. Full-Service Hotels;
- J. Restaurants not to include freestanding fast food restaurant buildings; and
- K. Accessory uses customary and incidental to any of the above uses. For the purposes of this Ordinance accessory uses shall not include waste disposal facilities of any kind as regulated by Public Act 641 of 1978.

**SECTION IX. ARCHITECTURAL CONTROLS.**

In order to maintain a consistent aesthetic quality, the applicable Review Board shall have sole authority to approve or reject building architectural designs within the Meadowbrooke Phase I or Meadowbrooke Phase II. The following is a partial list of items that will be carefully and thoughtfully scrutinized:

- A. Preliminary building plans and specifications;
- B. Exterior surface treatment, including roofs, with color and texture samples or descriptions;
- C. Scale;
- D. Geometry;
- E. Texture;
- F. Harmony with neighboring sites including the landscaping features of the site;
- G. Sun control devices; and
- H. Color.

**SECTION X. DESIGN STANDARDS.** (amended by Ord. No. 10 of 2003; 6/25/03)

The following Design Standards shall apply to all building sites within the Meadowbrooke Business Park PUD.

**A. Area Regulations.**

1. The minimum lot size within the Premises for platted lots and site unit condominiums shall be two (2) acres, and the minimum size of Land Division Parcels (as defined in Section XI) in Meadowbrooke Phase II shall be:
  - (a) forty (40) acres; except
  - (b) one (1) Land Division Parcel may be a minimum size of twenty five (25) acres subject to the public hearing specified in Section XI.A(3) below; and
  - (c) one (1) Land Division Parcel for Development Parcel 1 (approximately 37.76 acres).

2. Building and structures shall be setback from the street right-of-way a minimum of forty (40) feet. The setback shall be landscaped and maintained as open space.
3. Where parking on the street side of the building or structure is permitted, such parking areas shall not be closer than twenty-five (25) feet from the public right-of-way. Any parking areas located closer than forty (40) feet from the public right-of-way shall require additional landscaping.
4. Side and rear setbacks shall in no case be less than twenty-five (25) feet. Parking shall be permitted in the side and rear setbacks.
5. A lot may contain two or more buildings, provided that it is directly related to the principle use or enterprise on the lot. Each additional building and/or structure shall meet all setback requirements contained herein.
6. The setback requirements set forth in this Section shall pertain to normal sites within the Premises. These setbacks shall not be reduced unless it can be demonstrated that they create practical difficulties to the owner or site development limitations which may render the property unbuildable. Upon such a finding the setbacks may be reduced up to twenty-five (25) percent by the Planning Commission should one (1) or more of the following site limitation features exist.
  - a. The site contains a “wetland”, as defined by the Goermaere-Anderson Wetland Protection Act (P.A. 203 of 1979), which would cause the placement of the building or structure to encroach upon the normal required setbacks.
  - b. The site contains topographic slopes which exceed a ten (10) percent grade, which would cause the placement of the building or structure to encroach upon the normal required setbacks.
  - c. The site contains Pewamo loan a soil type which would cause the placement of the building or structure to encroach upon the normal required setbacks. This soil type is identified in the U.S. Soil conservation Service publication Soil Survey of Kent County, as unsuitable to building site development because of a high water table.
  - d. The site contains “woodlands” which would cause the placement of the building or structure to encroach upon the normal required setbacks. For the purposes of this Ordinance a “woodland” is defined as, “an area of planted material covering one (1) acre or more and consisting of thirty (30) percent or more canopy trees having an eight (8) inch or greater caliper”.
  - e. The site contains an archaeological site which would cause the placement of a building or structure or encroach upon the normal required setback.

**B. Height Regulations – (as amended by Ord. No. 15 of 1997;12/3/1997)**

No building or structure shall exceed a height of forty-five (45) feet, except there may be one hotel, motel or similar use building with a permitted height not to exceed seventy (70) feet as measured in accordance with the Cascade Charter Township Zoning Ordinance. Reasonable mechanical appurtenances and antennas necessary to the function or operation of a building or structure and

parapet walls surrounding such appurtenances shall not exceed fifteen feet in height and shall not be counted for the purposes of determining compliance under these limitations.

C. Off Street Parking and Loading Areas –

1. All employee and visitor parking shall be provided on-site and not on any streets. Such parking areas may be located in the side or rear yards and shall be surfaced prior to occupancy with bituminous concrete or asphalt. Driveways shall be constructed with materials equal to or better than 1-1/2 inches of bituminous concrete 25A aggregate on eight (8) inches of compacted aggregate surface course over suitable sub-base, weather permitting.
2. Driveways, parking and loading areas may require curb and gutter upon the determination of the Planning Commission. The curb and gutter installation shall be consistent with the requirements established by the Kent County Road Commission.
3. The area between the driveway, off-street parking area and the street right-of-way shall be landscaped and maintained in a neat and orderly condition. The use of berms to insure that parking/loading areas are screened from public view may be required. In particular, loading docks and areas where commercial trucks and vehicles are stored shall be screened.
4. All off-street parking areas shall be drained so as to prevent drainage onto abutting properties unless there is a common drainage system shared by all the abutting properties.
5. Any lighting fixtures used to illuminate off-street parking shall be so arranged as to reflect the light away from adjacent properties, streets or highways.

D. Parking Requirements –

1. Off-street parking shall be required as set forth in the standards published by the Institute of Transportation Engineers report entitled Parking Generation 2<sup>nd</sup> Edition November 1987, as revised.
2. Each off-street parking space for automobiles shall be a minimum of 180 square feet in area, with a minimum width of nine (9) feet, exclusive of access drives or aisles. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it shall be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be:
  - a. For 90 degree parking – the aisle shall be a minimum of 24 feet in width;
  - b. For 60 degree parking - the aisle shall be a minimum of 18 feet in width;
  - c. For 45 degree parking – the aisle shall be a minimum of 13 feet in width; and
  - d. For parallel parking – the aisle shall be a minimum of 11 feet in width.

3. In parking areas containing 50 or more parking spaces, up to twenty percent (20%) of the parking spaces may be set aside for small or compact automobiles. The dimension for these parking spaces shall have a minimum width of 7-1/2 feet and a minimum length of 15 feet. These areas shall be conspicuously designated as reserved for small or compact cars only.

4. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with Section X D.1 of this Ordinance.

5. Upon the determination of the Planning Commission, up to twenty-five (25) percent of the required parking area may be held in reserve. The reserve parking area shall be landscaped and maintained in a neat and orderly fashion. The reserve parking area shall remain as undeveloped space until:

- a. Such time as the parking is needed as a result of an expansion in business activity as determined by the Planning Commission; or
- b. The use changes to a more intensive use as determined by the Planning Commission.

E. Signs (as amended by Ord. No 17 of 1990; 9/26/90)

1. For the purposes of this Section, the provisions of Ordinance 12 of 1988, as it may be amended, of Cascade Charter Township shall apply except as follows:

- a. No billboards, temporary or portable signs, banners, searchlights, loudspeakers, amplifiers or similar devices will be permitted in this PUD District.
- b. One on-site temporary sign for the purpose of describing the building development, or advertising the sale or lease of a site or building shall be permitted to occupancy. The color, character and wording of the sign shall be prescribed by the Developer.
- c. Signs may be illuminated, however, no intermittent or flashing illumination shall be permitted.
- d. The use of equipment, vehicles, and other similar objects shall not be permitted for the purposes of advertising or signage.
- e. For the purposes of this Section, in determining the types of signs permitted, the provisions of Section 6.06 of the Cascade Charter Township Sign Ordinance, as it may be amended, shall apply. All other general provisions of the Cascade Charter Township Sign Ordinance, as they may be amended, shall apply. (as amended by Ord. No. 15 Of 1997; 12/3/1997)

2. No billboards, temporary or portable signs, banners, search lights, loudspeakers, amplifiers or similar devices will be permitted in this PUD District.

3. One on-site temporary sign for the purpose of describing the building development, or advertising the sale or lease of a site or building shall be

permitted prior to occupancy. The color, character, and wording of the sign shall be prescribed by the Developer. Such signs shall not exceed thirty-two (32) square feet.

4. Signs may be illuminated. However, no intermittent or flashing illumination shall be permitted.

F. Temporary Buildings –

1. No structure of a temporary nature; trailer, tent, or construction shack shall be constructed, placed or maintained on the Premises except accessory to and during construction of a permanent building or structure.
2. Approval of the temporary building or structure shall be required in advance by the Review Board. Under no circumstances shall the temporary building or structure be used primarily for advertising purposes.

G. Landscaping –

1. Every site upon which a building or structure has been placed shall be landscaped in accordance with plan and specifications approved by the Planning Commission. The entire building site, including curb parkways, shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Planning Director.
2. Landscaping shall be installed within ninety (90) days of completion of the building or structure, unless permitted in writing by the Planning Director at a later date.
3. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season. All new trees used in a landscaped area shall have a minimum caliper of 1-3/4 inches.
4. Every effort shall be made to retain existing trees. Trees with a caliper of five (5) inches or more shall not be removed without written approval of the Planning Director.
5. Underground sprinkling systems shall be installed where necessary to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.
6. Parking and loading areas shall be landscaped and/or fenced, as shown on the approved landscape plan, in such a manner as to interrupt or screen said areas from view from access streets.
7. The perimeter lots or parcels which abut 52<sup>nd</sup> Street, 60<sup>th</sup> street, Kraft Avenue, Patterson Avenue, and Broadmoor Avenue, shall have a 15 foot wide bufferstrip along the road right-of-way that is landscaped with:
  - a. A minimum of five (5) canopy or coniferous trees per one hundred (100) linear feet; and
  - b. A minimum of fifteen (15) shrubs per one hundred (100) linear feet.

The landscaping within the bufferstrip may be clustered to achieve the maximum aesthetic and screening capabilities of the selected plant materials. An undulating berm not exceeding six (6) feet and a 3:1 slope may be permitted within the required bufferstrip. Placement of landscaping under this subsection shall be in accordance with Section X.G.2 of this Ordinance.

H. Outside Storage Areas – Outside storage areas must be specifically approved by the Planning Commission and shall be effectively screened from view.

I. Curb Cuts – No permanent individual use curb cuts shall be permitted on Broadmoor Avenue. Individual curb cuts on the perimeter roads (ie. 52<sup>nd</sup> Street, 60<sup>th</sup> Street, Kraft Avenue and Patterson Avenue) shall be permitted at intervals of not less than three hundred (300) feet. Shared driveways shall be utilized where reasonably possible to minimize the number of curb cuts. Curb cuts on roads within the Premises shall, to the extent reasonably possible, be aligned with curb cuts on the opposite side of such roads.

J. Design Standard Modifications – The design standards contained herein may be amended by the Planning Commission. Such modifications may only be considered upon the finding of the Review Board that the change will result in a project that is in keeping with the purpose and intent of this PUD Ordinance.

K. Water and Sewer Service – Public water and sewer service must be available at a building site before approval of a site plan can be obtained. All buildings and structures located within the Meadowbrooke Business Park PUD shall be connected to public water and sewer systems.

**L. Meadowbrooke Phase II Infrastructure.**

In connection with site plan approvals for Meadowbrooke Phase II, the Developer of Meadowbrooke Phase II shall:

- (1) Assure that drainage of Meadowbrooke Phase II is established as required by the Township's Storm Water Drainage Ordinance and/or the Kent County Drain Commission;
- (2) As required by Section X K hereof, public water and sewer service must be available at a building site before approval of a site plan can be obtained; and be developed in accordance with the Township's utility plan as laid out by the Township engineer; and
- (3) include the location of curb cuts and roads in accordance with this Ordinance.

**SECTION XI. SUBDIVISION PLATTING.** (amended by Ord. No. 10 of 2003; 6/25/03)

**A. Subdivision or Platting.**

- (1) The entire Premises shall be either (a) platted in accordance with the Michigan Subdivision Control Act. , or (b) established as one or more site unit

condominiums in accordance with the Township’s Site Unit Condominium Ordinance and the Michigan Condominium Act. Subject to the minimum areas specified in Section X A.1. hereof, the Developer may also divide portions of Meadowbrooke Phase II by land division or property line reconfigurations pursuant to the Michigan Land Division Act (each such parcel is referred to as a “Land Division Parcel”).

(2) Should future market conditions require smaller lots, the Developer may request approval from the Township Board (and the Township Board shall not unreasonably withhold approval) to split any platted lot or site condominium unit. No more than a total of three (3) platted lot splits or site condominium splits resulting in a lot of less than two (2) acres shall be approved by the Township Board within (a) Meadowbrooke Phase I, or (b) Meadowbrooke Phase II during a calendar year.

(3) If Developer shall (i) request the Township to approve the split of any platted lot or site unit condominium in accordance with Subsection A(2) above, or (ii) if Developer shall request approval by the Township for a Land Division Parcel with a minimum size of twenty five (25) acres, as permitted by Section X A.1. (b) hereof, then notice of a public hearing shall be given to surrounding property owners within five hundred (500) feet. The notice shall be mailed no later than seven (7) days prior to the date of the public hearing to surrounding property owners.

**B. Dedication of Public Facilities.** This development shall include the dedication of public streets, utilities and certain required sites for public facilities. These properties and/or facilities including water and sewer services on the Premises, shall be constructed and installed by the Developer at their expense and deeded to the appropriate State, County, or Township agency without cost. Notwithstanding the above requirement the Developer shall not be obligated to pay for any oversizing of utilities (sewer and water) which is required to serve areas outside of the Premises.

C. Common Areas – The Developer shall incorporate common areas (i.e. theme entrances, landscape islands, traffic circles, etc.) in the development layout at its cost. At the time of platting, landscaping plans shall be submitted to the Township for their approval. Plans for signs, street lighting and other street furniture items shall be submitted to the Township for their record.

## SECTION XII. FIRE PROTECTION.

The Developer agrees to donate a two (2) acre site located in the Premises, which site borders upon either 52<sup>nd</sup> Street or within six hundred (600) feet of 52<sup>nd</sup> Street on Kraft Avenue, for the purpose of providing a capital base to the Township for the provision of fire service to the southwest portion of the Township, including the Premises. This site will be identified in the Meadowbrooke Corporate Center Plat Number 1. Conveyance of title to this two (2) acre site will take place within sixty (60) days following groundbreaking for building construction in any subsequent phase of this development.

In addition, prior to conveyance of title, the Developer will cause to have completed a study to determine the preferred method of providing fire protection to the southwest portion of the Township. The Developer agrees that the Township is not required to use the donated site for the location of a fire facility and may sell the site and use the proceeds to provide a facility at another site or to provide fire protection by another method, so long as the Premises are served by the facility which is constructed or by the services which are provided. If a special assessment district is established for fire protection service which includes the Premises, the Developer agrees to pay its prorata share of the assessment less a credit for the value of the donated land. The value of the donated land shall be determined by an independent appraisal or as otherwise agreed to by the Developer and the Township.

### SECTION XIII. IMPROVEMENTS; PERFORMANCE GUARANTEE

To insure compliance with this Ordinance and any conditions herein, Cascade Township shall require the Developer to submit a surety bond or irrevocable letter of credit to be determined by the Township Board within 60 days of the effective date of this Ordinance. This surety bond or letter of credit shall be used by the Township to recover expenditures associated with planning and development activities of the Premises, including, but not limited to, the engineering, legal, and infrastructure costs which may become the liability of the Township.

The Township shall not draw upon the surety bond or letter of credit unless Meadowbrooke Associates fails to promptly reimburse the Township for such billed expenses, within ninety (90) days, following the billing date.

### SECTION XIV. CONCEPTUAL MASTER DEVELOPMENT PLAN (amended by Ord. No. 8 of 2014; 11/5/14)

The Meadowbrooke Phase I shall conform in as much as reasonably possible with the Township Supervisor on February 8, 1988. The Developer has provided the Township with an updated conceptual master development plan for Meadowbrooke Phase II and Development Parcel 1, prepared by Moore & Bruggink dated August 28, 2014 (the "Meadowbrooke Phase II Concept Plan"). In the development of Meadowbrooke Phase II, the Developer shall not be limited by specific road alignments and utility locations as shown on the Meadowbrooke Phase II Concept Plan, but shall either conform as much as reasonably possible with the Meadowbrooke Phase II Concept Plan or with an alternative master plan for Meadowbrooke Phase II as shall be approved by the Township.

### SECTION XV. EFFECTIVE DATE.

This Ordinance shall become effective upon publication in a newspaper circulated within the Township of Cascade.

The foregoing Ordinance was offered by Board Member Parrish, supported by Board Member Timmons. The roll all vote being as follows:

Yeas: Parrish, Julien, Carpenter, Timmons

Nays: None

Absent: Kleinheksel, Jones, Goodyke

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Jeanie Neve  
Cascade Charter Township Deputy Clerk

#### CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 25<sup>th</sup> day of June, 2003.

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Jeanie Neve  
Cascade Charter Township Deputy Clerk